PART IV

SECTION—1 B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 74 LCA 75

Bangalore, dated 12th September 1975.

Ordered that the Telegraph Wires (Unlawful Possession) Amendment Act, 1975 (44 of 1975) published in Part II, Section 1 of the *Gazette of India* Extra-Ordinary dated 18th September 1975 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka.

B. NAGESHA RAO,
Under Secretary to Government,
Dep. of Law and Parliamentary Affairs.

28

Assented to on 7th August 1975 Act No. 44 of 1975

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION) (AMENDMENT) ACT, 1975.

AN

ACT

further to amend the Telegraph Wires (Unlawful Possession) Act, 1950.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Telegraph Wires (Unlawful Possession) Amendment Act, 1975.

2. Amendment of section 2.—In section 2 of the Telegraph Wires (Unlawul Possession) Act, 1950.(74 of 1950) (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, namely :—

'(b) "telegraph wire" means any copper wire the diameter of which, in millimetres, is—

(i) not less than 2.43 and not more than 2.53 ; or

(ii) not less than 2.77 and not more than 2.87 ; or

(iii) not less than 3.42 and not more than 3.52. ;

3. **Amendment of Section 5.**—In section 5 of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely :—

"(a) for the first offence, with imprisonment for a term which may extend to five years, or with fine, or with both, and, in the absence of special and adequate reasons to be recorded in the judgment of the Court, the term of such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees ; " ;

(ii) in clause (b), for the words "to be mentioned in the judgment of the court, such imprisonment", the words "to be recorded in the judgment of the Court, the term of such imprisonment" shall be substituted.

4. **Insertion of new sections 6A and 6B.**—After section 6 of the principal Act, the following sections shall be inserted, namely :—

"**6A. Powers of search and seizure**—(1)A police officer not below the rank of a sub-inspector may seize, or search any place and seize,—

(i) any telegraph wire ;

(ii) any conveyance or animal used for the transport of such telegraph wire,

if a reasonable suspicion exists that any provision of this Act has been, or is being, or is about to be, contravened in respect of such telegraph wire.

(2) The provisions of the Code of Criminal Procedure, 1973, (2 of 1974) relating to searches and seizures shall, so far as may be, apply to searches and seizures made under this section.

6B. Confiscation of telegraph wires, conveyances, etc.—Where any person has been convicted for the contravention of any of the provisions of this Act, the telegraph

wires in relation to which the contravention has been made, and any conveyance or animal used for the transport of such telegraph wires, shall be liable to confiscation by the Court unless the owner of the conveyance or animal proves that it was so used without the knowledge or connivance of the owner himself, his agent if any, and the person in charge of the conveyance or animal and that each of them had taken all reasonable precautions against such use :

Provided that where any such conveyance or animal is used for the transport of goods or passengers for hire, the owner of the conveyance or animal shall be given an option to pay in lieu of the confiscation of the conveyance or animal, a fine, not exceeding the market price of the conveyance or animal on the date of seizure thereof or the value of the telegraph wires in relation to which the contravention has been made, whichever is less :

Provided further that any telegraph wires, so seized and confiscated shall be handed over by the Court to such authority as may be specified by the Central Government."

5. **Amendment of section 7.**—In section 7 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) No Court shall take cognizance of any offence punishable under this Act, except on a report in writing of the facts constituting such offence made by a person who is a public servant within the meaning of section 21 (45 of 1860.) of the Indian Penal Code.".

6. **Amendment of section 8.**—In sub-section (3) of section 8 of the principal Act, for the words "or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.